

WYOMING GAME AND FISH COMMISSION

CHAPTER 1

REGULATION GOVERNING ACCESS TO RECORDS

Section 1. Authority. This regulation is promulgated by authority of W.S. § 23-1-302, W.S. § 23-1-303 and W.S. § 16-4-202 through § 16-4-204.

Section 2. Definitions. Definitions shall be as set forth in Title 16 (Public Records Act) and Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definitions:

- (a) "Access" means the ability for the public to obtain public records during established Department business hours.
- (b) "Custodian" means the official custodian or any authorized person having personal custody and control of the public records in question.
- (c) "Examination of Records" means inspection by the public, during established Department business hours, of those public records in the physical custody of the Department or Commission.
- (d) "Official Custodian" means an employee of the Department who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in their actual personal custody and control.
- (e) "Privileged and Confidential Records" means those records recognized in Wyoming law as privileged and confidential.
- (f) "Public Records" when not otherwise specified, means any information in a physical form created, accepted or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency, institution or political subdivision of the state, whether at a meeting or outside a meeting.
- (g) "Public Records Request" means a request for public records that are in the custody of the Department or Commission in the normal course of business.
- (h) "Routine Request" means any request for public records in final form created for the express purpose of public distribution routinely provided at no cost and intended for mass distribution, including, but not necessarily limited to, Commission Regulations, Commission Policies, seasonal hunting, fishing and other informational brochures, and information that the Department has presented in a public forum.
- (i) "Sportsmen's List Request" means any request for records from the Department's Electronic Licensing Service.

Section 3. Disclosure. Public records shall be available for inspection during established Department business hours at a time designated by the custodian. The public shall not be allowed access to Department computers, unless authorized by the Official Custodian.

Section 4. Exception to Disclosure. Those documents classified by law as Privileged and Confidential Records shall not be available to public inspection. Documents listed in W.S. § 16-4-203 may not be available for inspection.

Section 5. Fees and Payments for Records Requests.

(a) The following fee schedule shall be used by the Department in processing Public Records Requests:

Certified Copies.....	\$3.00 per page is to be added to the Photocopy Charges. (i.e. \$3.50 per page for the first 10 pages and \$3.25 for each additional page.)
Documents Created for Distribution in a Public Forum.....	No charge for the 1 st copy of a document; below listed photocopy charges for any additional copies.
Electronic Mining	Costs of programming and data mining to construct an electronic record, assessed at \$40.00/hour; 1 hour minimum charge.
Employee Time.....	\$25.00/hour.
Excessive Routine Requests.....	Cost of providing pamphlets, brochures and other items in excess of five (5) of each type of item requested shall be the actual cost incurred by the Department in purchasing or producing the material.
Media Items (One-Time Reproduction Rights)	
Still Images in Digital Format.....	\$150.00/image.
Video.....	\$65.00/second.
National Wetland Inventory Maps.....	Mylar \$5.00/map, paper \$2.50/map.
Off-Sight Records Examination.....	Non-Departmental office/viewing room fee, if any.
Photocopy Charges.....	\$.50 per page for the first ten (10) pages; \$.25 per additional page thereafter. The Department may, at its discretion, utilize non-Departmental facilities for photocopying; any such costs shall be paid by the requester.
Postage	Postage fees shall be assessed at the cost of the postage and mail cartons or packages.
Sportsmen's List.....	\$25.00/hour.

(b) A retainer shall be required in advance of processing a Public Records Request whereby, in the estimation of the record custodian, the total cost of processing the record request will exceed ten dollars (\$10.00). The custodian shall determine the estimated cost of processing the records request and require the requesting person or entity submit that amount as a retainer. After the request has been processed, if the actual cost of processing the request was greater than the amount received as a retainer, the custodian shall contact the requester and require the difference be submitted before releasing the public records.

(c) If the actual cost of processing the request was less than the amount received as a retainer, the custodian shall refund the difference. No copies of records shall be released without receipt of payment in full.

(d) Postage may be added to any requests for copies mailed or delivered.

(e) All Public Records Requests which require payment shall be recorded using an invoice. All payments shall be transmitted to the Fiscal Division for deposit with the State Treasurer. Once the work has been completed, a copy of the invoice and the payment shall be sent to the Office of the Director in the Cheyenne office.

(f) Requests from the Federal Government, its agencies, other states and their agencies, other Wyoming State Agencies, Wyoming Counties, municipalities, power districts, conservation districts, the Wyoming Legislature, Legislative Service Office, libraries and requests from individual legislators, in their legislative capacity, for records shall be furnished free of charge; any fee waivers not included in this subsection shall be at the discretion of the Commission.

(g) Nothing herein shall be interpreted as requiring any fee be paid for mere examination of public records; excepting costs of electronic mining and costs of employee time to compile the records request. If examination requires non-Department owned facilities, the person making the request shall be charged the cost of providing the facilities. A Department employee shall oversee the records examination if personnel from the non-Department facility are not present. A fee for the employee's time shall be charged.

Section 6. Request Procedures.

(a) Public Records Requests shall be submitted in writing to the Official Custodian, Office of the Director, Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, WY 82006.

(b) Routine or Sportsmen's List requests need not be submitted in writing, nor directed to the Official Custodian.

(i) Sportsmen's List requests shall be referred to the Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006, (307) 777-4516, or Department regional offices.

Section 7. Inspection Notification and Release of Records.

(a) A record may contain privileged and confidential information or information exempt from disclosure. Consequently, Public Records Requests may require review by the Department's Attorney General Representative, and therefore may not be readily available. The Official Custodian shall notify the requester within seven (7) business days if the records are not readily available.

(b) If a routine record or Sportsmen's List is readily available, the custodian shall release the record immediately to the requester, unless the release will impair or impede the Department's ability to discharge its other duties or a fee is required.

(c) If a routine record or Sportsmen's List is not readily available, the custodian shall notify the requester within seven (7) business days that the records are not readily available.

WYOMING GAME AND FISH COMMISSION

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